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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/736,116	12/16/2003	Josef Maatuk		3623		
75	90 07/20/2006	EXAM	EXAMINER			
JOSEF MAATUK 1607 S. SHERBOURNE Dr. LOS ANGELES, CA 90035			WEST, P	WEST, PAUL M		
			ART UNIT	PAPER NUMBER		
			2856			
			DATE MAILED: 07/20/200	DATE MAILED: 07/20/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary		Application No.		Applicant(s)					
		10/736,116		MAATUK, JOSEF					
		Examiner	-	Art Unit					
			Paul M. We		2856				
<i> The l</i> Period for Repl	MAILING DATE of this commur y	nication appe	ears on the o	over sheet with the c	orrespondence ad	ldress			
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).									
Status									
1)⊠ Respo	onsive to communication(s) file	ed on <i>24 Ma</i>	arch 2006.						
· · · · · · · · · · · · · · · · · · ·	Responsive to communication(s) filed on <u>24 March 2006</u> . This action is FINAL . 2b) This action is non-final.								
· 	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is								
•—	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.								
Disposition of	Claims								
4)⊠ Claim	• 4)⊠ Claim(s) <u>16-18,20,22,23,25-29 and 31-39</u> is/are pending in the application.								
· —	4a) Of the above claim(s) <u>22,23 and 25-29</u> is/are withdrawn from consideration.								
5) Claim	5) Claim(s) is/are allowed.								
6)⊠ Claim	6)⊠ Claim(s) <u>16-18,20 and 31-39</u> is/are rejected.								
7) Claim	(s) is/are objected to.								
8) <u> </u>	8) Claim(s) are subject to restriction and/or election requirement.								
Application Pa	pers								
9)☐ The sp	ecification is objected to by the	ne Examiner	r.						
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.									
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).									
Replac	cement drawing sheet(s) including	g the correction	ion is required	I if the drawing(s) is obj	ected to. See 37 Cl	FR 1.121(d).			
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.									
Priority under	35 U.S.C. § 119								
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).									
a) ☐ All b) ☐ Some * c) ☐ None of:									
/ <u></u>	1. Certified copies of the priority documents have been received.								
	2. Certified copies of the priority documents have been received in Application No								
3. Copies of the certified copies of the priority documents have been received in this National Stage									
application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.									
* See the attached detailed Office action for a list of the certified copies not received.									
Attachment(s)									
1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)									
	ftsperson's Patent Drawing Review (Paper No(s)/Mail Date 5) Notice of Informal Patent Application (PTO-152)					
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 5) Notice of Informal Patent Application (PTO-152) 6) Other:									

Application/Control Number: 10/736,116 Page 2

Art Unit: 2856

DETAILED ACTION

1. Claims 16-18, 20 and 31-39 are rejected under 35 U.S.C. 135(b) as being made more than one year from the date on which U.S. Patent No. 6,546,796 was granted. See *In re McGrew*, 120 F.3d 1236, 1238, 43 USPQ2d 1632,1635 (Fed. Cir. 1997) where the Court held that the application of 35 U.S.C. 135(b) is not limited to *interpartes* interference proceedings, but may be used as a basis for *ex parte* rejections.

2. The new or amended claims above were made more than one year from the patent date of U.S Patent No. 6,546,796 and therefore cannot be used to suggest an interference with said Patent. Furthermore, none of the claims which were made in the instant application prior to the expiration of the one year period, are considered to have the same or substantially the same subject matter as any of the claims in the Patent No. 6,546,796.

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

Application/Control Number: 10/736,116 Page 3

Art Unit: 2856

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul M. West whose telephone number is (571) 272-8590. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HEZRON WILLIAMS SUPERVISORY PATENT EXAMINER

zin E. Wille

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